UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/49/L.5
2 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 137

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-SIXTH SESSION

Costa Rica, Japan, Romania, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Question of the establishment of an international criminal court

The General Assembly,

Recalling its resolution 48/31 of 9 December 1993, in which it requested the International Law Commission to continue its work on the question of a draft statute for an international criminal court with a view to elaborating a draft statute if possible at its forty-sixth session in 1994,

Noting with satisfaction that the International Law Commission has completed its work on such a draft statute, 1/

Recognizing the contribution now being made by the International Tribunal for the Protection of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991,

1. Expresses its appreciation to the International Law Commission for having elaborated and presented a draft statute for the establishment of an international criminal court;

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), para. 91.

2. Decides to establish an ad hoc committee open to all Member States to prepare for decisions at the fiftieth session in connection with consideration of the draft statute prepared by the International Law Commission;

3. Requests the Ad Hoc Committee to review the major substantive and administrative issues relating to the establishment of an international criminal court, including issues arising out of the report of the International Law Commission 1/ and to provide its views and conclusions to the General Assembly at its fiftieth session;

4. Requests the Secretary-General to invite the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to participate in the work of the Ad Hoc Committee;

5. Decides that the Ad Hoc Committee will meet from ... to ... 1995, and requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

6. Requests the Secretary-General to present to the Ad Hoc Committee a preliminary report with provisional estimates of the staffing, structure and costs of the establishment and operation of an international criminal court;

7. Decides to include in the provisional agenda of its fiftieth session an item entitled "Question of the establishment of an international criminal court".

UNITED NATIONS **A**

General Assembly

Distr.
LIMITED

A/C.6/49/L.5*
2 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 137

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-SIXTH SESSION

Costa Rica, Japan, Romania, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Question of the establishment of an international criminal court

The General Assembly,

Recalling its resolution 48/31 of 9 December 1993, in which it requested the International Law Commission to continue its work on the question of a draft statute for an international criminal court with a view to elaborating a draft statute if possible at its forty-sixth session in 1994,

Noting with satisfaction that the International Law Commission has completed its work on such a draft statute, 1/

Recognizing the contribution now being made by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991,

1. Expresses its appreciation to the International Law Commission for having elaborated and presented a draft statute for the establishment of an international criminal court;

---

* Reissued for technical reasons.

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), para. 91.

94-43396 (E) 041194 071194

/...

2. Decides to establish an ad hoc committee open to all Member States to prepare for decisions at the fiftieth session in connection with consideration of the draft statute prepared by the International Law Commission;

3. Requests the Ad Hoc Committee to review the major substantive and administrative issues relating to the establishment of an international criminal court, including issues arising out of the report of the International Law Commission 1/ and to provide its views and conclusions to the General Assembly at its fiftieth session;

4. Requests the Secretary-General to invite the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to participate in the work of the Ad Hoc Committee;

5. Decides that the Ad Hoc Committee will meet from ... to ... 1995, and requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

6. Requests the Secretary-General to present to the Ad Hoc Committee a preliminary report with provisional estimates of the staffing, structure and costs of the establishment and operation of an international criminal court;

7. Decides to include in the provisional agenda of its fiftieth session an item entitled "Question of the establishment of an international criminal court".

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/49/L.6
4 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 137

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-SIXTH SESSION

Argentina, Australia, Belarus, Belgium, Canada, Denmark, Finland, Iceland, Italy, Jamaica, Malaysia, New Zealand, Norway, Poland, Russian Federation, Sweden and Trinidad and Tobago: draft resolution

United Nations Conference to Establish an International Criminal Court

The General Assembly,

Recalling its resolutions 45/41 of 28 November 1990 and 46/54 of 9 December 1991 in which it requested the International Law Commission to consider the question of international criminal jurisdiction, including the possibility of establishing an international criminal court or other criminal mechanism,

Recalling further its resolution 47/33 of 25 November 1992 in which it charged the International Law Commission with the project of the elaboration of a draft statute for an international criminal court,

Recalling also its resolution 48/31 of 9 December 1993, in which it requested the International Law Commission to continue its work as a matter or priority with a view to elaborating a draft statute for such a court, if possible at the Commission's forty-sixth session,

Noting that the International Law Commission, at its 2374th meeting, adopted the text of such a statute and decided at its 2376th meeting to recommend, in accordance with article 23 of its statute, that an international

conference of plenipotentiaries be convened to study the draft statute and to conclude a convention on the establishment of an international criminal court,

Recalling that article VI of the Convention on the Prevention and Punishment of the Crime of Genocide 1/ of 1948 refers to the possibility of trial of individuals by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction,

Recalling also that the Security Council, in its resolution 827 (1993) of 25 May 1993, creating an ad hoc tribunal to prosecute persons for grievous violations of international humanitarian law committed in the territory of the former Yugoslavia, stated its belief that the establishment of such a tribunal would contribute to ensuring that the violations ended and the perpetrators were brought to justice,

Convinced that international cooperation in the effective prosecution and suppression of crimes of international concern will be assisted by the creation of a permanent international criminal court,

1. Decides to convene a United Nations conference at the highest possible level of participation in 1996;

2. Affirms that the Conference should conclude a Convention on the Establishment of an International Criminal Court;

3. Decides to establish a Preparatory Committee of the General Assembly open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly;

4. Decides that the Preparatory Committee shall hold an organizational session early in 1995 and substantive sessions in 1995 and 1996, all at United Nations Headquarters in New York, the timing and duration of which shall be determined by the Preparatory Committee at its organizational session;

5. Decides that the Preparatory Committee, at its organizational session, shall elect, with due regard to equitable geographic representation, the Chairman and other members of its bureau;

6. Requests the Secretary-General of the United Nations to make appropriate secretariat arrangements;

7. Decides that the preparatory process and the Conference itself should be funded through the regular budget of the United Nations and within existing resources;

8. Decides to establish a voluntary fund for the purpose of supporting developing countries, in particular the least developed among them, in

---

1/ Resolution 260 A (III), annex.

participating fully and effectively in the Conference and in its preparatory process, and invites Governments to contribute to the fund;

9. Requests the Chairman of the Preparatory Committee to report to the General Assembly at its fiftieth session on the progress of the work of the Committee;

10. Decides to include in the provisional agenda of its fiftieth and fifty-first sessions an item entitled "United Nations Conference to Establish an International Criminal Court".

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/49/L.7
8 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 133

OBSERVER STATUS OF NATIONAL LIBERATION MOVEMENTS RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY AND/OR BY THE LEAGUE OF ARAB STATES

Draft decision proposed by the Chairman

The General Assembly, having taken note of the report submitted by the Secretary-General under the item entitled "Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States", 1/ decides to give further consideration to this question at a future session of the General Assembly.

1/ A/49/325.

94-43736 (E) 081194 091194

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/49/L.8
8 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 137

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-SIXTH SESSION

Ghana: amendments to draft resolution A/C.6/49/L.5

1. Delete the third preambular paragraph.

2. Delete operative paragraph 2.

3. Replace operative paragraph 3 by the following:

2. Decides to establish an ad hoc committee open to all Member States with the mandate to review the major substantive and administrative issues relating to the establishment of an international criminal court, including issues arising out of the report of the International Law Commission, and to provide its views and conclusions to the General Assembly for transmission to the United Nations conference of plenipotentiaries on an international criminal court.

4. Delete operative paragraph 4.

5. Replace operative paragraph 5 by the following:

3. Decides that the Ad Hoc Committee will meet for a two-week period in the spring of 1995, and requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work.

6. Renumber operative paragraph 6 as paragraph 4.

7. Insert a new operative paragraph 5 as follows:

5. Decides to convene a United Nations conference of plenipotentiaries for a period of 4 to 6 weeks in the spring of 1996 to elaborate and adopt the statute of an international criminal court.

8. Insert a new operative paragraph 6 as follows:

6. Decides also that the draft statute of an international criminal court and commentaries by the International Law Commission, the summary of the debate in the Sixth Committee at the forty-ninth session of the General Assembly on the report of the International Law Commission, the summary of the debate in, and the report of, the Ad Hoc Committee, as well as the comments of States, shall be transmitted by the Secretary-General to the United Nations Conference of Plenipotentiaries as background documentation for the elaboration and adoption of the statute of an international criminal court.

9. Insert a new operative paragraph 7 as follows:

7. Accepts with gratitude the offer of the Government of Italy to host the United Nations Conference of Plenipotentiaries on the elaboration and adoption of the statute of an international criminal court in the spring of 1996.

10. Renumber operative paragraph 7 as paragraph 8.

UNITED NATIONS **A**

General Assembly

Distr.
LIMITED

A/C.6/49/L.9
9 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 141

QUESTION OF RESPONSIBILITY FOR ATTACKS ON UNITED NATIONS AND ASSOCIATED PERSONNEL AND MEASURES TO ENSURE THAT THOSE RESPONSIBLE FOR SUCH ATTACKS ARE BROUGHT TO JUSTICE

Argentina, Australia, Austria, Belgium, Brazil, Canada, Denmark, Fiji, Finland, France, Greece, Iceland, Ireland, Kenya, Liechtenstein, Malaysia, Netherlands, New Zealand, Nigeria, Norway, Poland, Republic of Moldova, Romania, Russian Federation, Singapore, Slovakia, Sweden, Trinidad and Tobago and Ukraine: draft resolution

The General Assembly,

Considering that the codification and progressive development of international law contributes to the implementation of the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Gravely concerned at the increasing number of attacks on United Nations and associated personnel that have caused death or serious injury,

Bearing in mind that United Nations operations may be conducted in situations that entail risk to the safety of United Nations and associated personnel,

Recognizing the need to strengthen and to keep under review arrangements for the protection of United Nations and associated personnel,

Recalling its resolution 48/37 of 9 December 1993 by which it established the Ad Hoc Committee on the Elaboration of an International Convention Dealing with the Safety and Security of United Nations and Associated Personnel, with particular reference to responsibility for attacks on such personnel,

Taking into account the report of the Ad Hoc Committee, 1/ in particular the revised negotiating text resulting from the work of the Ad Hoc Committee,

Recalling its decision, in accordance with the recommendation of the Ad Hoc Committee, to re-establish a working group within the framework of the Sixth Committee at the current session of the General Assembly to continue consideration of the revised negotiating text and of proposals relating thereto,

Having considered the text of the draft convention prepared by the Working Group 2/ and submitted to the Sixth Committee for consideration with a view to its adoption,

1. Adopts and opens for signature and ratification, acceptance or approval, or for accession, the Convention on the Safety of United Nations and Associated Personnel, the text of which is annexed to the present resolution;

2. Urges States to take all appropriate measures to ensure the safety and security of United Nations and associated personnel within their territory;

3. Recommends that the safety and security of United Nations and associated personnel be kept under continuing review by all relevant bodies of the Organization;

4. Underlines the importance it attaches to the speedy conclusion of a comprehensive review of arrangements for compensation for death, disability, injury or illness attributable to peace-keeping service, with a view to developing equitable and appropriate arrangements and to ensuring expeditious reimbursement.

ANNEX

Convention on the Safety of United Nations and Associated Personnel

The States Parties to this Convention,

Deeply concerned over the growing number of deaths and injuries resulting from deliberate attacks against United Nations and associated personnel,

Bearing in mind that attacks against, or other mistreatment of, personnel who act on behalf of the United Nations are unjustifiable and unacceptable, by whomsoever committed,

---

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 22 (A/49/22).

2/ A/C.6/49/L.4, annex.

Recognizing that United Nations operations are conducted in the common interest of the international community and in accordance with the principles and purposes of the Charter of the United Nations,

Acknowledging the important contribution that United Nations and associated personnel make in respect of United Nations efforts in the fields of preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian and other operations,

Conscious of the existing arrangements for ensuring the safety of United Nations and associated personnel, including the steps taken by the principal organs of the United Nations, in this regard,

Recognizing none the less that existing measures of protection for United Nations and associated personnel are inadequate,

Acknowledging that the effectiveness and safety of United Nations operations are enhanced where such operations are conducted with the consent and cooperation of the host State,

Appealing to all States in which United Nations and associated personnel are deployed and to all others on whom such personnel may rely, to provide comprehensive support aimed at facilitating the conduct and fulfilling the mandate of United Nations operations,

Convinced that there is an urgent need to adopt appropriate and effective measures for the prevention of attacks committed against United Nations and associated personnel and for the punishment of those who have committed such attacks,

Have agreed as follows:

Article 1

Definitions

For the purposes of this Convention:

(a) "United Nations personnel" means:

(i) Persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation;

(ii) Other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted;

(b) "Associated personnel" means:

(i) Persons assigned by a Government or an intergovernmental organization with the agreement of the competent organ of the United Nations;

(ii) Persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency;

(iii) Persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic Energy Agency;

to carry out activities in support of the fulfilment of the mandate of a United Nations operation;

(c) "United Nations operation" means an operation established by the competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control:

(i) Where the operation is for the purpose of maintaining or restoring international peace and security; or

(ii) Where the Security Council or the General Assembly has declared, for the purposes of this Convention, that there exists an exceptional risk to the safety of the personnel participating in the operation;

(d) "Host State" means a State in whose territory a United Nations operation is conducted;

(e) "Transit State" means a State, other than the host State, in whose territory United Nations and associated personnel or their equipment are in transit or temporarily present in connection with a United Nations operation.

Article 2

Scope of application

1. This Convention applies in respect of United Nations and associated personnel and United Nations operations, as defined in article 1.

2. This Convention shall not apply to a United Nations operation authorized by the Security Council as an enforcement action under Chapter VII of the Charter of the United Nations in which any of the personnel are engaged as combatants against organized armed forces and to which the law of international armed conflict applies.

Article 3

Identification

1. The military and police components of a United Nations operation and their vehicles, vessels and aircraft shall bear distinctive identification. Other personnel, vehicles, vessels and aircraft involved in the United Nations operation shall be appropriately identified unless otherwise decided by the Secretary-General of the United Nations.

2. All United Nations and associated personnel shall carry appropriate identification documents.

Article 4

Agreements on the status of the operation

The host State and the United Nations shall conclude as soon as possible an agreement on the status of the United Nations operation and all personnel engaged in the operation including, inter alia, provisions on privileges and immunities for military and police components of the operation.

Article 5

Transit

A transit State shall facilitate the unimpeded transit of United Nations and associated personnel and their equipment to and from the host State.

Article 6

Respect for laws and regulations

1. Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, United Nations and associated personnel shall:

(a) Respect the laws and regulations of the host State and the transit State; and

(b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

2. The Secretary-General of the United Nations shall take all appropriate measures to ensure the observance of these obligations.

Article 7

Duty to ensure the safety and security of United Nations and associated personnel

1. United Nations and associated personnel, their equipment and premises shall not be made the object of attack or of any action that prevents them from discharging their mandate.

2. States Parties shall take all appropriate measures to ensure the safety and security of United Nations and associated personnel. In particular, States Parties shall take all appropriate steps to protect United Nations and associated personnel who are deployed in their territory from the crimes set out in article 9.

3. States Parties shall cooperate with the United Nations and other States Parties, as appropriate, in the implementation of this Convention, particularly in any case where the host State is unable itself to take the required measures.

Article 8

Duty to release or return United Nations and associated personnel captured or detained

Except as otherwise provided in an applicable status-of-forces agreement, if United Nations or associated personnel are captured or detained in the course of the performance of their duties and their identification has been established, they shall not be subjected to interrogation and they shall be promptly released and returned to United Nations or other appropriate authorities. Pending their release such personnel shall be treated in accordance with universally recognized standards of human rights and the principles and spirit of the Geneva Conventions of 1949.

Article 9

Crimes against United Nations and associated personnel

1. The intentional commission of:

(a) A murder, kidnapping or other attack upon the person or liberty of any United Nations or associated personnel;

(b) A violent attack upon the official premises, the private accommodation or the means of transportation of any United Nations or associated personnel likely to endanger his or her person or liberty;

(c) A threat to commit any such attack with the objective of compelling a physical or juridical person to do or to refrain from doing any act;

(d) An attempt to commit any such attack; and

(e) An act constituting participation as an accomplice in any such attack, or in an attempt to commit such attack, or in organizing or ordering others to commit such attack;

shall be made by each State Party a crime under its national law.

2. Each State Party shall make the crimes set out in paragraph 1 punishable by appropriate penalties which shall take into account their grave nature.

Article 10

Establishment of jurisdiction

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in the following cases:

(a) When the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State.

2. A State Party may also establish its jurisdiction over any such crime when it is committed:

(a) By a stateless person whose habitual residence is in that State; or

(b) With respect to a national of that State; or

(c) In an attempt to compel that State to do or to abstain from doing any act.

3. Any State Party which has established jurisdiction mentioned in paragraph 2 shall notify the Secretary-General of the United Nations. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General of the United Nations.

4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in cases where the alleged offender is present in its territory and it does not extradite such person pursuant to article 15 to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2.

5. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 11

Prevention of crimes against United Nations and associated personnel

States Parties shall cooperate in the prevention of the crimes set out in article 9, particularly by:

(a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories; and

(b) Exchanging information in accordance with their national law and coordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes.

Article 12

Communication of information

1. Under the conditions provided for in its national law, the State Party in whose territory a crime set out in article 9 has been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate to the Secretary-General of the United Nations and, directly or through the Secretary-General, to the State or States concerned all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.

2. Whenever a crime set out in article 9 has been committed, any State Party which has information concerning the victim and circumstances of the crime shall endeavour to transmit such information, under the conditions provided for in its national law, fully and promptly to the Secretary-General of the United Nations and the State or States concerned.

Article 13

Measures to ensure prosecution or extradition

1. Where the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its national law to ensure that person's presence for the purpose of prosecution or extradition.

2. Measures taken in accordance with paragraph 1 shall be notified, in conformity with national law and without delay, to the Secretary-General of the United Nations and, either directly or through the Secretary-General, to:

(a) The State where the crime was committed;

(b) The State or States of which the alleged offender is a national or, if such person is a stateless person, in whose territory that person has his or her habitual residence;

(c) The State or States of which the victim is a national; and

(d) Other interested States.

Article 14

Prosecution of alleged offenders

The State Party in whose territory the alleged offender is present shall, if it does not extradite that person, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the law of that State. Those authorities shall take their decision in the same manner as in the case of an ordinary offence of a grave nature under the law of that State.

Article 15

Extradition of alleged offenders

1. To the extent that the crimes set out in article 9 are not extraditable offences in any extradition treaty existing between States Parties, they shall be deemed to be included as such therein. States Parties undertake to include those crimes as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the conditions provided in the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those crimes as extraditable offences between themselves subject to the conditions provided in the law of the requested State.

4. Each of those crimes shall be treated, for the purposes of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of article 10.

Article 16

Mutual assistance in criminal matters

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the crimes set out in article 9, including assistance in obtaining evidence at their disposal necessary for the proceedings. The law of the requested State shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations concerning mutual assistance embodied in any other treaty.

Article 17

Fair treatment

1. Any person regarding whom investigations or proceedings are being carried out in connection with any of the crimes set out in article 9 shall be guaranteed fair treatment, a fair trial and full protection of his or her rights at all stages of the investigations or proceedings.

2. Any alleged offender shall be entitled:

(a) To communicate without delay with the nearest appropriate representative of the State or States of which such person is a national or which is otherwise entitled to protect that person's rights or, if such person is a stateless person, of the State which, at that person's request, is willing to protect that person's rights; and

(b) To be visited by a representative of that State or those States.

Article 18

Notification of outcome of proceedings

The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to other States Parties.

Article 19

Dissemination

The States Parties undertake to disseminate this Convention as widely as possible and, in particular, to include the study thereof, as well as relevant provisions of international humanitarian law, in their programmes of military instruction.

Article 20

Savings clauses

Nothing in this Convention shall affect:

(a) The applicability of international humanitarian law and universally recognized standards of human rights as contained in international instruments in relation to the protection of United Nations operations and United Nations and associated personnel or the responsibility of such personnel to respect such law and standards;

(b) The rights and obligations of States, consistent with the Charter of the United Nations, regarding the consent to entry of persons into their territories;

(c) The obligation of United Nations and associated personnel to act in accordance with the terms of the mandate of a United Nations operation;

(d) The right of States which voluntarily contribute personnel to a United Nations operation to withdraw their personnel from participation in such operation; or

(e) The entitlement to appropriate compensation payable in the event of death, disability, injury or illness attributable to peace-keeping service by persons voluntarily contributed by States to United Nations operations.

Article 21

Right of self-defence

Nothing in this Convention shall be construed so as to derogate from the right to act in self-defence.

Article 22

Dispute settlement

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by application in conformity with the Statute of the Court.

2. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by all or part of paragraph 1. The other States Parties

shall not be bound by paragraph 1 or the relevant part thereof with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 23

Review meetings

At the request of one or more States Parties, and if approved by a majority of States Parties, the Secretary-General of the United Nations shall convene a meeting of the States Parties to review the implementation of the Convention, and any problems encountered with regard to its application.

Article 24

Signature

This Convention shall be open for signature by all States, until 31 December 1995, at United Nations Headquarters in New York.

Article 25

Ratification, acceptance or approval

This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

Article 26

Accession

This Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 27

Entry into force

1. This Convention shall enter into force 30 days after 22 instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the 22nd instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 28

Denunciation

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 29

Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/49/L.10
11 November 1994

ORIGINAL: ENGLISH

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Working Group on the United Nations Decade of International Law

Chairman: Mr. Ernst K. Martens (Germany)

I. INTRODUCTION

1. The General Assembly, in its resolution 48/30 of 9 December 1993, requested the Working Group on the United Nations Decade of International Law to continue its work at the forty-ninth session in accordance with its mandate and methods of work.

2. Pursuant to that resolution, the Sixth Committee reestablished the Working Group on the United Nations Decade of International Law and, at its 6th meeting, on 5 October 1994, elected Mr. Ernst K. Martens (Germany) Chairman of the Working Group.

3. The Working Group had before it the report of the Secretary-General on the item (A/49/323 and Add.1 and 2), containing an analysis of the replies received in accordance with resolution 48/30, in which the General Assembly had requested the Secretary-General to submit to it at its forty-ninth session a report on the implementation of the programme for the activities for the second term (1993-1994) of the Decade, together with views on possible activities for the next term of the Decade. The report further contained a survey of new activities of the United Nations relevant to the progressive development of international law and its codification, prepared pursuant to paragraph 6 of resolution 48/30, and, as an annex, the revised guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, prepared by the International Committee of the Red Cross (ICRC) pursuant to paragraph 13 of the same resolution.

4. The Working Group held three meetings between 2 and 11 November during which it discussed the implementation of the programme of activities for the second term (1993-1994) of the Decade, in conjunction with the report of the Secretary-General, as well as the possible programme of activities for the next

term of the Decade (1995-1996). In this context, the discussion focused mainly on the revised guidelines for military manuals and instructions on the protection of the environment in times of armed conflict and on the state of preparation of the United Nations Congress on Public International Law. As a result of that discussion, the Working Group agreed on a programme of activities for the third term (1995-1996) of the United Nations Decade of International Law.

II. EXCHANGE OF VIEWS RELATED TO THE REVISED GUIDELINES FOR MILITARY MANUALS AND INSTRUCTIONS ON THE PROTECTION OF THE ENVIRONMENT IN TIMES OF ARMED CONFLICT

5. In accordance with paragraph 13 of General Assembly resolution 48/30, the report of the Secretary-General on the item (A/49/323 and Add.1 and 2) contained as an annex the revised guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, prepared by ICRC. At the suggestion of several delegations, the Working Group invited the observer for ICRC to elaborate on aspects of the revised guidelines.

6. The observer for ICRC pointed out that the new version of the guidelines took into account comments made by States thereon and transmitted to ICRC in accordance with paragraphs 12 and 13 of General Assembly resolution 48/30. In this connection, she gave examples of paragraphs of the guidelines which had been modified or simplified. The Committee hoped that the General Assembly would take note of the draft guidelines and that they would be forwarded by the Secretary-General to States for incorporation in their national military manuals. Rather than being an exercise in codification, she said, the guidelines constituted a dissemination text aimed at providing practical instructions for the implementation of international obligations by military commanders and other military officers in the field of environmental protection and humanitarian law. In this connection she noted that an open-ended group of government experts was scheduled to meet at Geneva from 23 to 27 January 1995, as a follow-up to the International Conference on the Protection of War Victims convened by the Government of Switzerland at Geneva from 30 August to 1 September 1993 and in order to consider issues such as the use of military manuals as tools for promoting respect for international humanitarian law and the protection of the environment in non-international armed conflicts. The observer further indicated the readiness of ICRC to continue working in this area, in matters such as the interpretation and classification of existing rules, the harmonization of definitions contained in various international instruments, the applicability during armed conflicts of rules of environmental law designed for times of peace, as well as to report on the information submitted by States concerning the incorporation of the guidelines in their military manuals. The Committee would also be prepared to convene in 1996, if need be, a meeting of government experts for further consideration of relevant issues which required in-depth analysis. The observer also suggested that the inclusion in the programme of activities for 1995-1996 of provisions dealing with the dissemination and other aspects of international humanitarian law could be considered and that relevant issues of international humanitarian law could also be examined in the framework of the United Nations Congress on Public International Law.

7. Delegations commended ICRC for the preparation of the revised set of guidelines for military manuals and its work in the field of humanitarian law.

8. Some delegations took the view that the future draft resolution relating to the decade could reflect some of the suggestions made by the observer for ICRC, in particular the suggestion that the guidelines for military manuals and instructions on the protection of the environment in times of armed conflict be taken note of, recommended to States for incorporation in national military manuals and disseminated effectively. It was also said that the draft resolution should invite ICRC to continue its work in this field and to submit a report on relevant activities in this area to the Secretary-General to be communicated to States, and that support should be given to the proposal of ICRC to convene in 1996 a meeting of government experts to deal with relevant aspects of this issue. It was further suggested that the question of the protection of the environment in times of armed conflict should be dealt with in a separate annex to the report to be prepared in 1995 by the Secretary-General and that the programme for the next term of the United Nations Decade of International Law should contain a reference to humanitarian law and environmental protection in times of armed conflict. In this connection, it was suggested to declare one of the years of the Decade "Year of Humanitarian Law".

9. Other delegations pointed out that questions regarding the contents of the future draft resolution on the Decade should be addressed in the course of informal negotiations on its text. Some also considered that the question of the protection of the environment in times of armed conflict, including possible replies of States on this issue, should not be dealt with separately in an annex to the report of the Secretary-General. They recalled that, according to the agreement reached in the Sixth Committee, the reports of the Secretary-General on the question of the Decade should be presented in the form of an analytical summary, an approach which had proved particularly useful and had been reflected in resolutions previously adopted under the item.

III. EXCHANGE OF VIEWS ON ARRANGEMENTS FOR THE UNITED NATIONS CONGRESS ON PUBLIC INTERNATIONAL LAW

10. In accordance with paragraph 10 of General Assembly resolution 48/30, the Secretariat informed the Working Group of the state of preparations for the United Nations Congress on Public International Law.

11. Regarding the selection of lecturers, the Secretariat indicated that it had prepared tables of proposed candidates on a country-by-country basis and forwarded them to the chairmen of the five regional groups. In the case of several regional groups, the number of candidates exceeded, sometimes quite appreciably, the figure of five lecturers to which each regional group was, in principle, entitled in accordance with the original plan of the Secretariat. This plan envisaged that five lecturers, one from each regional group, would address the Congress every day - amounting to a total of five lecturers per regional group for the five working days - so as to leave sufficient time for questions and comments from the floor and thus promote a dialogue among the largest possible number of participants. However, in order to make room for a larger number of lecturers, the Secretariat was now envisaging the addition of a

moderator to the five lecturers originally contemplated for each of the five working days.

12. The Secretariat, upon being informed that some regional groups wished to entrust it with the selection of the lecturers and moderators, expressed readiness to do so on the understanding that those regional groups which preferred to identify themselves their respective moderators and lecturers would communicate the relevant information to the Secretariat at the earliest possible date. In conducting the selection process, the Secretariat would bear in mind the need to ensure the representation of all major legal systems and all geographical regions, the desirability of selecting no more than one lecturer of a given nationality (a possible exception being the host State), the need to strike appropriate gender and linguistic balances and an appropriate balance between the various segments of the international legal profession, and the need to ensure adequate representation of each of the topics relevant to the main goals of the United Nations Decade of International Law. In that connection, some delegations pointed out that some of the criteria proposed seemed to be out of place in a meeting of a scientific nature. Others supported the above criteria as appropriate under the circumstances.

13. The Secretariat suggested that, in order to make room for as large a number of lecturers as possible despite space and financial constraints, arrangements should be made for the holding of informal meetings outside the official working hours of the Congress (from 9 to 10 a.m. and from 6 to 8 p.m.), without interpretation services, and that in selecting lecturers for such informal meetings, the criteria referred to in paragraph 12 above should be applied with flexibility. These suggestions met with general agreement in the Working Group. Some delegations suggested that informal meetings could also be held during official working hours of the Congress. Reservations were expressed with regard to the holding of meetings without interpretation services.

14. Referring to the wide interest in participation by prominent international lawyers, some delegations expressed the hope that the Secretariat would use the greatest possible flexibility in organizing the work of the Congress, including the possibility of further increasing the number of lecturers. Some suggestions were made in this regard, including shortening the length of interventions, encouraging lecturers to submit written papers which would only require brief oral presentation and organizing sessions in the form of panels.

15. Concerning the topics to be addressed at the Congress, some delegations suggested that United Nations sanctions as a tool for the peaceful settlement of disputes would be an appropriate topic for discussion under the theme relating to the peaceful settlement of disputes. Other delegations questioned the advisability of addressing in the framework of the Congress an issue with controversial political aspects.

16. The Secretariat indicated that it would continue to keep Member States informed of the state of preparations of the Congress.

IV. PROGRAMME OF ACTIVITIES FOR THE THIRD TERM (1995-1996) OF THE UNITED NATIONS DECADE OF INTERNATIONAL LAW

17. On the proposal of its Chairman, the Working Group generally agreed that the programme for the third term of the Decade should be similar to that of the previous term (General Assembly resolution 47/32, annex), subject to the following changes:

(a) An editorial change in paragraph 4 of section III, to take into account the fact that the report of the Secretary-General entitled "An Agenda for Peace" had already been considered in the General Assembly;

(b) The inclusion in section IV of a new paragraph 5 (bis) (para. 6 in the proposed programme annexed hereto, which would elaborate on an issue referred to in paragraph 5 of section IV (namely, special training in international law for military personnel and cooperation in this respect between States and ICRC) and would encourage States to foster the teaching and dissemination of the principles governing the protection of the environment in times of armed conflict and contemplate the possibility that States make use, in this connection, of the revised version of the guidelines for military manuals and instructions prepared by ICRC, taking into account the views of Governments, annexed to the report of the Secretary-General (A/49/323);

(c) The inclusion in section IV of a paragraph 8 (bis) (para. 10 in the proposed programme annexed hereto) as a follow-up to a provision in the programme of activities for the first term of the Decade (1990-1992) which called for a wider dissemination of the case law or jurisprudence of the International Court of Justice and resulted in the issuance by the Secretariat of the publication Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1949-1991). Paragraph 8 (bis) would invite the Secretariat to update that publication during the next term of the Decade, taking into account the jurisprudence of the International Court of Justice during the quinquennium following 1991, in all the official languages of the Organization and within the existing overall level of appropriations;

(d) A reformulation of paragraph 3 of Section V, on the question of the United Nations Congress on Public International Law, to reflect the current stage of preparation of the Congress.

18. It was agreed that the International Institute of Humanitarian Law would be included in the list of institutions mentioned in paragraph 5 of section IV of the programme.

ANNEX

Programme for the activities for the third term (1995-1996) of the United Nations Decade of International Law

I. PROMOTION OF THE ACCEPTANCE OF AND RESPECT FOR THE PRINCIPLES OF INTERNATIONAL LAW

1. The General Assembly, bearing in mind that maintenance of international peace and security is the underlying condition for the success of the implementation of the programme for the United Nations Decade of International Law, calls upon States to act in accordance with international law, and particularly the Charter of the United Nations, and encourages States and international organizations to promote the acceptance of and respect for the principles of international law.

2. States are invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded are invited to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties, and if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties which have not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

3. States and international organizations are encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of multilateral treaties, in accordance with their national legal systems.

4. States are encouraged to report to the Secretary-General on ways and means provided for in the multilateral treaties to which they are parties, regarding the implementation of such treaties. International organizations are similarly encouraged to report to the Secretary-General on ways and means provided for by the multilateral treaties concluded under their auspices, regarding the implementation of such treaties. The Secretary-General is requested to prepare a report on the basis of this information and to submit it to the General Assembly.

II. PROMOTION OF MEANS AND METHODS FOR THE PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES, INCLUDING RESORT TO AND FULL RESPECT FOR THE INTERNATIONAL COURT OF JUSTICE

1. States, the United Nations system of organizations and regional organizations, including the Asian-African Legal Consultative Committee, as well as the International Law Association, the Institute of International Law, the Hispano-Luso-American Institute of International Law and other international

institutions working in the field of international law, and national societies of international law, are invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

2. Taking into account the suggestions mentioned in paragraph 1 of the present section and with due regard to the recommendations contained in the report of the Secretary-General entitled "An Agenda for Peace", a/ the Sixth Committee should consider, where appropriate, on the basis of a report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, or of the Working Group on the United Nations Decade of International Law, the following questions:

(a) Strengthening the use of means and methods for the peaceful settlement of disputes, with particular attention to the role to be played by the United Nations, as well as methods for early identification and prevention of disputes and their containment;

(b) Procedures for the peaceful settlement of disputes arising in specific areas of international law;

(c) Ways and means of encouraging greater recognition of the role of the International Court of Justice and its wider use in the peaceful settlement of disputes;

(d) Enhancement of cooperation of regional organizations with the United Nations system of organizations in respect of the peaceful settlement of disputes;

(e) Wider use of the Permanent Court of Arbitration.

III. ENCOURAGEMENT OF THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

1. International organizations, including the United Nations system of organizations and regional organizations, are invited to submit to the Secretary-General of the United Nations summary information regarding the programme and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General is requested to prepare a report on the relevant activities of the United Nations, including those of the International Law Commission. Such information should be presented in a report by the Secretary-General to the Sixth Committee.

2. On the basis of the information mentioned in paragraph 1 of the present section, States are invited to submit suggestions for consideration by the Sixth Committee and, as appropriate, recommendations. In particular, efforts should be made to identify areas of international law which might be ripe for progressive development of codification.

3. The Sixth Committee should study, taking into account General Assembly resolution 684 (VII) of 6 November 1952, b/ its coordinating role with respect, inter alia, to the drafting of provisions of a legal nature and the consistent use of legal terminology in international instruments adopted by the General Assembly. States are invited to present proposals in this regard to the Sixth Committee.

4. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should continue to study possible measures to strengthen the United Nations system for the maintenance of international peace and security. In that context, the Special Committee should bear in mind the debate within the United Nations, particularly within the General Assembly, on the report of the Secretary-General entitled "An Agenda for Peace".

IV. ENCOURAGEMENT OF THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

1. The Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law should, in the context of the Decade, continue to formulate, as appropriate and in a timely manner, relevant guidelines for the Programme's activities and report to the Sixth Committee on the activities carried out under the Programme in accordance with such guidelines. Special emphasis should be given to supporting academic and professional institutions already carrying out research and education in international law, as well as to encouraging the establishment of such institutions where they might not exist, particularly in the developing countries. States and other public or private bodies are encouraged to contribute to the strengthening of the Programme.

2. States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Cooperation between institutions at the university level among developing countries, on the one hand, and their cooperation with those of developed countries, on the other, should be encouraged.

3. States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

4. States, the United Nations system of organizations and regional organizations should consider organizing seminars, symposia, training courses, lectures and meetings and undertaking studies on various aspects of international law.

5. States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries as well as military personnel. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, The Hague Academy of International Law, the International Institute of Humanitarian Law, regional organizations and the International Committee of the Red Cross are invited to continue cooperating in this respect with States.

6. In connection with the training of military personnel, States are encouraged to foster the teaching and dissemination of the principles governing the protection of the environment in times of armed conflict and should consider the possibility of making use of the guidelines for military manuals and instructions prepared by the International Committee of the Red Cross. c/

7. Cooperation among developing countries, as well as between developed and developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, is encouraged.

8. In order to make better known the practice of international law, States and international and regional organizations should endeavour to publish, if they have not done so, summaries, repertories or yearbooks of their practice.

9. States and international organizations should encourage the publication of important international legal instruments and studies by highly qualified publicists, bearing in mind the possibility of assistance from private sources.

10. The Secretary-General of the United Nations, in cooperation with the Registry of the International Court of Justice, is encouraged to update the publication Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1949-1991), in all the official languages of the Organization and within the existing overall level of appropriations.

11. Other international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, are invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

12. International organizations are requested to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Treaty Series is encouraged and efforts directed towards adopting an electronic form of publication should be continued. Timely publication of the United Nations Juridical Yearbook is also encouraged.

V. PROCEDURES AND ORGANIZATIONAL ASPECTS

1. The Sixth Committee, working primarily through its Working Group on the United Nations Decade of International Law and with the assistance of the Secretariat, will be the coordinating body of the programme for the Decade. The question of the use of an intra-sessional, inter-sessional or existing body to carry out specific activities of the programme may be considered by the General Assembly.

2. The Sixth Committee is requested to continue to prepare the programme of activities for the Decade.

3. The Secretariat should proceed with the organization of the United Nations Congress on Public International Law to be held from 13 to 17 March 1995, within existing resources and assisted by voluntary contributions, taking into account the guidance provided at the forty-eighth and forty-ninth sessions of the General Assembly, and keep the Member States informed of the status of the preparations.

4. All organizations and institutions referred to and invited to submit reports to the Secretary-General under sections I to IV above are requested to submit interim or final reports preferably at the fiftieth session but not later than the fifty-first session of the General Assembly.

5. States are encouraged to establish, as necessary, national, subregional and regional committees which may assist in the implementation of the programme for the Decade. Non-governmental organizations are encouraged to promote the purposes of the Decade within the fields of their activities, as appropriate.

6. It is recognized that, within the existing overall level of appropriations, adequate financing for the implementation of the programme for the Decade is necessary and should be provided. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and are strongly encouraged. To this end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

Notes

a/ A/47/277-S/24111.

b/ See annex II to the rules of procedure of the General Assembly (A/520/Rev.15).

c/ A/49/323, annex.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/49/L.11
14 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 138

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-SEVENTH SESSION

Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Cambodia, Canada, Cyprus, Czech Republic, Denmark, Dominican Republic, Finland, France, Germany, Honduras, Hungary, Italy, Morocco, Nicaragua, Norway, Poland, Portugal, Russian Federation, Singapore, Slovakia, Sweden, Thailand, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution

UNCITRAL Model Law on Procurement of Goods, Construction and Services

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Noting that procurement constitutes a large portion of public expenditure in most States,

Recalling the completion and adoption by the Commission of the UNCITRAL Model Law on Procurement of Goods and Construction at its twenty-sixth session, 1/

1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 17 (A/48/17), annex I.

Recalling also the decision of the Commission at the twenty-sixth session to draw up model legislative provisions on procurement of services while leaving intact the UNCITRAL Model Law on Procurement of Goods and Construction,

Noting that model legislative provisions on procurement of services establishing procedures designed to foster integrity, confidence, fairness and transparency in the procurement process will also promote economy, efficiency and competition in procurement and thus lead to increased economic development,

Being of the opinion that the establishment of model legislative provisions on procurement of services that are acceptable to States with different legal, social and economic systems contributes to the development of harmonious international economic relations,

Convinced that model legislative provisions on services contained in a consolidated text dealing with procurement of goods, construction and services will significantly assist all States, including developing countries and States whose economies are in transition, in enhancing their existing procurement laws and formulating procurement laws where none presently exist,

1. Takes note with satisfaction of the completion and adoption of the UNCITRAL Model Law on Procurement of Goods, Construction and Services 2/ together with the Guide to Enactment of the Model Law; 3/

2. Recommends that, in view of the desirability of the improvement and uniformity of the laws of procurement, all States give favourable consideration to the Model Law when they enact or revise their procurement laws;

3. Recommends also that all efforts be made to ensure that the Model Law together with the Guide become generally known and available.

2/ Ibid., Forty-ninth Session, Supplement No. 17 (A/49/17), annex I.

3/ A/CN.9/394.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/49/L.12
15 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 140

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Algeria, Argentina, Australia, Belarus, Belgium, Bulgaria, Czech Republic, Denmark, Egypt, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Kyrgyzstan, New Zealand, Norway, Russian Federation, Slovakia, Slovenia, Sweden and Uzbekistan: draft resolution

Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security

The General Assembly,

Recalling its resolutions 46/58 of 9 December 1991, 47/38 of 25 November 1992 and 48/36 of 9 December 1993,

Taking note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 1/ which met in New York from 7 to 25 March 1994 and completed a draft Declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security,

Convinced that the adoption of the Declaration will contribute towards strengthening the role and enhancing the effectiveness of the United Nations and of the regional arrangements or agencies in the maintenance of international peace and security,

---

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33 (A/49/33).

Considering the need to ensure a wide dissemination of the text of the Declaration,

Convinced that the Declaration will be a major and specific contribution of the Special Committee to the activities within the United Nations Decade of International Law,

1. Approves the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security, the text of which is annexed to the present resolution;

2. Expresses its appreciation to the Special Committee on the Charger of the United Nations and on the Strengthening of the Role of the Organization for its important contribution to the elaboration of the text of the Declaration;

3. Requests the Secretary-General to inform the Governments of the States Members of the United Nations or members of specialized agencies, the Security Council and regional arrangements or agencies which have observer status in the General Assembly of the adoption of the Declaration;

4. Urges that every effort be made to ensure that the Declaration becomes generally known and fully implemented.

ANNEX

Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security

The General Assembly,

Recalling the provisions of the Charter of the United Nations concerning the role of regional arrangements or agencies in the maintenance of international peace and security, in particular the provisions of Chapter VIII of the Charter,

Recalling also that resort to regional arrangements or agencies is among the means referred to in Chapter VI of the Charter for the peaceful settlement of disputes,

Recognizing that regional arrangements or agencies can play an important role in preventive diplomacy and in enhancing regional and international cooperation,

Recognizing also the importance of the role of regional arrangements or agencies in dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such regional arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations,

Taking into account the experience gained and the favourable results achieved by regional arrangements or agencies in the peaceful settlement of disputes in different parts of the world,

Bearing in mind the variety of mandates, scope and composition of regional arrangements or agencies,

Considering that action at the regional level can contribute to the maintenance of international peace and security,

Emphasizing that respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State is crucial to any common endeavour to promote international peace and security,

Emphasizing also that peace-keeping activities undertaken by regional arrangements or agencies should be conducted with the consent of the State in the territory of which such activities are carried out,

Stressing the primary responsibility of the Security Council, under Article 24 of the Charter, for the maintenance of international peace and security,

Emphasizing that the efforts made by regional arrangements or agencies, in their respective fields of competence, in cooperation with the United Nations can usefully complement the work of the Organization in the maintenance of international peace and security,

Stressing the need to enhance cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security,

Considering that such enhanced cooperation between the United Nations and regional arrangements or agencies would promote collective security in accordance with the Charter,

Solemnly declares that:

1. In accordance with the provisions of the Charter of the United Nations concerning the role of regional arrangements or agencies in the maintenance of international peace and security, in particular Chapter VIII of the Charter:

(a) The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council;

(b) The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the States concerned or by reference from the Security Council;

(c) The above provisions in no way impair the application of Articles 34 and 35 of the Charter;

(d) The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority, but no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Council;

(e) The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security;

2. Regional arrangements or agencies can, in their fields of competence and in accordance with the Charter of the United Nations, make important contributions to the maintenance of international peace and security, including, where appropriate, through the peaceful settlement of disputes, preventive diplomacy, peacemaking, peace-keeping and post-conflict peace-building;

3. Cooperation between regional arrangements or agencies and the United Nations, in the maintenance of international peace and security, may take various forms, including, inter alia:

(a) Exchange of information and the holding of consultations at all levels;

(b) Participation as appropriate in the work of the United Nations organs, in accordance with the applicable rules of procedure and practices;

(c) Making available personnel, material and other assistance, where appropriate;

4. Cooperation between regional arrangements or agencies and the United Nations should be in accordance with their respective mandates, scope and composition and should take place in forms that are suited to each specific situation, in accordance with the Charter;

5. Regional efforts undertaken by regional arrangements or agencies in the area of the maintenance of international peace and security, within their respective fields of competence and in accordance with the purposes and principles of the Charter, should be encouraged and, where appropriate, supported by the Security Council;

6. States participating in regional arrangements or agencies are encouraged to consider the possibility of increasing efforts at the regional level for the maintenance of international peace and security in accordance with the Charter;

7. States participating in regional arrangements or agencies are encouraged to promote confidence-building at the regional level for the maintenance of international peace and security;

8. States participating in regional arrangements or agencies are encouraged to consider the possibility of using or, where appropriate, establishing or improving at the regional level procedures and mechanisms for the early detection, the prevention and the peaceful settlement of disputes, in close coordination with the preventive efforts of the United Nations;

9. Regional arrangements or agencies are encouraged to consider, as appropriate, in their fields of competence, ways and means for promoting closer cooperation and coordination with the United Nations with the aim of contributing to the fulfilment of the purposes and principles of the Charter, including in the fields of preventive diplomacy, peacemaking and post-conflict peace-building, and where appropriate, peace-keeping;

10. Regional arrangements or agencies are encouraged to consider, in their fields of competence, the possibility of establishing and training groups of military and civilian observers, fact-finding missions and contingents of peace-keeping forces, for use as appropriate, in coordination with the United Nations and, when necessary, under the authority or with the authorization of the Security Council, in accordance with the Charter;

11. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the

United Nations, 2/ the Manila Declaration on the Peaceful Settlement of International Disputes, 3/ the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, 4/ the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field 5/ and the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security 6/ are hereby reaffirmed together with their provisions concerning the activities of regional arrangements or agencies in the maintenance of international peace and security;

12. Nothing in the present Declaration is to be construed as prejudicing in any manner the provisions of the Charter.

2/ General Assembly resolution 2625 (XXV), annex.

3/ General Assembly resolution 37/10, annex.

4/ General Assembly resolution 42/22, annex.

5/ General Assembly resolution 43/51, annex.

6/ General Assembly resolution 46/59, annex.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/49/L.13
15 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 138

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-SEVENTH SESSION

Algeria, Argentina, Australia, Austria, Belgium, Belize, Brazil, Cambodia, Canada, China, Cyprus, Czech Republic, Denmark, Dominican Republic, Finland, France, Germany, Greece, Honduras, Hungary, Italy, Japan, Morocco, Myanmar, Nicaragua, Norway, Portugal, Singapore, Slovakia, Sweden and Thailand: draft resolution

Report of the United Nations Commission on International Trade Law on the work of its twenty-seventh session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Stressing the value of participation by States at all levels of economic development and from different legal systems in the process of harmonizing and unifying international trade law,

94-45046 (E) 151194 161194

/...

Having considered the report of the United Nations Commission on International Trade Law on the work of its twenty-seventh session, 1/

Mindful of the valuable contribution to be rendered by the Commission within the framework of the United Nations Decade of International law, inter alia, as regards the dissemination of international trade law,

Concerned about the relatively low incidence of expert representation from developing countries at sessions of the Commission and particularly of its working groups during recent years, due in part to inadequate resources to finance the travel of such experts,

Having considered also the report of the Secretary-General, 2/

Concerned also about the fact that the need for and interest in the training and assistance programme of the Commission can only partially be met, in view of the limited human and financial resources available, and that the work of the Secretariat in the context of the Case-Law on UNCITRAL Texts would substantially increase as the number of the court decisions and arbitral awards covered thereby grows,

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its twenty-seventh session;

2. Welcomes the ongoing work of the Commission, as described in its report on the work of its twenty-seventh session and appreciates the many proposals on possible future work made during the UNCITRAL Congress on International Trade Law, held in New York from 18 to 22 May 1992;

3. Reaffirms the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field in order to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law and, in this connection, recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other intergovernmental and non-governmental organizations, including regional organizations, active in the field of international trade law;

4. Also reaffirms the importance, in particular for developing countries, of the work of the Commission concerned with training and assistance in the field of international trade law;

5. Also expresses the desirability for the Commission to sponsor seminars and symposia to provide such training and assistance, and, in this connection:

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17 (A/49/17 and corrigendum).

2/ A/49/427.

(a) Expresses its appreciation to the Commission for organizing seminars in Argentina, Brazil, Mongolia, Kyrgyzstan, Pakistan, Turkey and Sri Lanka as well as in Botswana, Kenya, Namibia, Uganda, the United Republic of Tanzania and Zimbabwe, and for assisting the Pacific Economic Cooperation Council with its initiative to provide harmonization of international trade law in the Asia-Pacific region;

(b) Expresses its appreciation to the Governments whose contributions enabled the seminars to take place and appeals to Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the trust fund for the United Nations Commission on International Trade Law symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

(c) Appeals to the United Nations Development Programme and other United Nations bodies responsible for development assistance to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

6. Welcomes the completion of the setting up of the trust fund for the United Nations Commission on International Trade Law to grant travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General, pursuant to paragraph 5 of its resolution 48/32;

7. Appeals to Governments, the relevant United Nations organs, organizations, institutions and individuals, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to make voluntary contributions to the trust fund referred to in paragraph 6 above;

8. Decides, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue its consideration in the competent Main Committee during the forty-ninth session of the General Assembly on granting travel assistance, within existing resources, to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

9. Requests the Secretary-General to ensure that adequate resources are allocated for the effective implementation of the programmes of the Commission;

10. Stresses the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions;

11. Requests the Secretary-General to submit a report on the implementation of paragraph 8 above to the General Assembly at its fiftieth session.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/49/L.14
16 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 143

CONVENTION ON JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY

Algeria, Bolivia, Brazil, Dominican Republic, Ecuador, France, Nicaragua, Peru, Uruguay and Venezuela: draft resolution

Convention on jurisdictional immunities of States and their property

The General Assembly,

Having received from the International Law Commission a set of draft articles on jurisdictional immunities of States and their property 1/ adopted by the Commission at its forty-third session,

Recalling that the International Law Commission recommended that an international conference of plenipotentiaries be convened to examine the draft articles and to conclude a convention on the subject, 2/

Having considered the draft articles at its forty-sixth to forty-ninth sessions, including in a working group and in consultations aimed at considering the issues of substance arising out of the draft articles, with the purpose of identifying and attenuating the differences of views concerning such issues in order to facilitate the conclusion of a convention through general agreement,

---

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10), chap. II, sect. D.

2/ Ibid., para. 25.

Having considered the reports of the working groups established at its forty-seventh 3/ and forty-eighth 4/ sessions and of the consultations held at its forty-ninth session, 5/

1. Decides to accept the recommendation of the International Law Commission and to convene an international conference of plenipotentiaries to consider the articles on jurisdictional immunities of States and their property and to conclude a convention on the subject;

2. Also decides that the date and place of the conference shall be determined at the fifty-first session of the General Assembly, due consideration being given to the need for adequate preparatory work, including further consultations on matters of substance aimed at ensuring the widest possible agreement at the conference;

3. Decides to include in the provisional agenda of its fifty-first session an item entitled "United Nations conference on jurisdictional immunities of States and their property".

3/ A/C.6/47/L.10.

4/ A/C.6/48/L.4 and Corr.2.

5/ A/C.6/49/L.2.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/49/L.15
16 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 139

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Bulgaria, Canada, Costa Rica, Côte d'Ivoire, Cyprus and Russian Federation: draft resolution

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country, 1/

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations 2/ and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations 3/ and the responsibilities of the host country,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

---

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 26 (A/49/26).

2/ Resolution 22 A (I).

3/ See resolution 169 (II).

Noting the spirit of cooperation and mutual understanding that has guided the deliberations of the Committee on issues affecting the United Nations community and the host country,

Welcoming the increased interest shown by Member States in participating in the work of the Committee,

1. Endorses the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 73 of its report;

2. Considers that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interests of the United Nations and all Member States, and expresses the hope that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

3. Expresses its appreciation for the efforts made by the host country, and hopes that problems raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

4. Voices its concern that the amount of financial indebtedness resulting from non-compliance with contractual obligations of certain missions accredited to the United Nations has increased to alarming proportions, reminds all permanent missions to the United Nations, their personnel and Secretariat personnel of their responsibilities to meet such obligations, and expresses the hope that the efforts undertaken by the Committee, in consultation with all concerned, will lead to a solution of this problem;

5. Welcomes the lifting of travel controls by the host country with regard to certain missions and staff members of the Secretariat of certain nationalities, and expresses the hope that the remaining travel restrictions will be removed by the host country as soon as possible, and in this regard notes the positions of the affected States, of the Secretary-General and of the host country;

6. Welcomes also the measures taken at the ports of entry by the host country at the request of Member States, as well as the efforts of the Committee for health coverage of the United Nations community;

7. Requests the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

8. Requests the Committee to continue its work, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971;

9. Decides to include in the provisional agenda of its fiftieth session the item entitled "Report of the Committee on Relations with the Host Country".

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/49/L.16
16 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 157

QUESTION OF CRITERIA FOR THE GRANTING OF OBSERVER STATUS IN THE GENERAL ASSEMBLY

Draft decision proposed by the Chairman of the Working Group on the item and Vice-Chairman of the Sixth Committee

The General Assembly, taking note of the oral report presented at the ___th meeting of the Sixth Committee by the Chairman of the Working Group on the question of criteria for the granting of observer status in the General Assembly, decides that the granting of observer status in the General Assembly should in the future be confined to States and to those intergovernmental organizations whose activities cover matters of interest to the Assembly.

94-45321 (e) 161194 171194

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/49/L.17
17 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 142

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Draft resolution proposed by the Chairman

The General Assembly,

Recalling its resolution 46/51 of 9 December 1991 and its decision 48/411 of 9 December 1993,

Taking note of the report of the Secretary-General, 1/

Having considered in depth the question of measures to eliminate international terrorism,

Convinced that the adoption of the Declaration on Measures to Eliminate International Terrorism should contribute to the enhancement of the struggle against international terrorism,

1. Approves the Declaration on Measures to Eliminate International Terrorism, the text of which is annexed to the present resolution;

2. Invites the Secretary-General to inform all States, the Security Council, the International Court of Justice, as well as the relevant specialized agencies, organizations and organisms, of the adoption of this Declaration;

3. Urges that every effort should be made so that the Declaration becomes generally known as well as observed and implemented in full;

1/ A/49/257 and Add.1-3.

94-45540 (E) 171194 181194

/...

4. Urges States, in accordance with the provisions of this Declaration, to take all appropriate measures at national and international level to eliminate terrorism;

5. Invites the Secretary-General to follow up closely the implementation of the present resolution and the Declaration, and to submit to it at its fiftieth session in this respect, a report relating, in particular, to the modalities of implementation of paragraph 11 of the Declaration;

6. Decides to include in the provisional agenda of its fiftieth session the item entitled "Measures to eliminate international terrorism", in order to examine the report of the Secretary-General requested in paragraph 5 above, without prejudice to the annual or biennial consideration of the item.

ANNEX

Declaration on Measures to Eliminate International Terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 2/ the Declaration on the Strengthening of International Security, 3/ the Definition of Aggression, 4/ the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, 5/ the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, 6/ the International Covenant on Economic, Social and Cultural Rights 7/ and the International Covenant on Civil and Political Rights, 7/

Deeply disturbed by the world-wide persistence of acts of international terrorism in all its forms and manifestations, including those in which States are directly or indirectly involved, which endanger or take innocent lives, have

---

2/ Resolution 2625 (XXV), annex.

3/ Resolution 2734 (XXV).

4/ Resolution 3314 (XXIX), annex.

5/ Resolution 42/22, annex.

6/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

7/ See resolution 2200 A (XXI), annex.

a deleterious effect on international relations and may jeopardize the security of States,

Deeply concerned by the increase, in many regions of the world, of acts of terrorism based on intolerance or extremism,

Concerned at the growing and dangerous links between terrorist groups, drug traffickers and their paramilitary gangs, which have resorted to all types of violence, thus endangering the constitutional order of States and violating basic human rights,

Convinced of the desirability for closer coordination and cooperation among States in combating crimes closely connected with terrorism, including drug trafficking, unlawful arms trade, money laundering and smuggling of nuclear and other potentially deadly materials, and bearing in mind the role that could be played both by the United Nations and regional organizations in this respect,

Firmly determined to eliminate international terrorism in all its forms and manifestations,

Convinced that the suppression of acts of international terrorism, including those in which States are directly or indirectly involved, is an essential element for the maintenance of international peace and security,

Convinced also that those responsible for acts of international terrorism must be brought to justice,

Stressing the imperative need to further strengthen international cooperation between States in order to undertake and adopt practical and effective measures to prevent, combat and eliminate all forms of terrorism that affect the international community as a whole,

Conscious of the important role that might be played by the United Nations, the relevant specialized agencies and States in fostering widespread cooperation in preventing and combating international terrorism, inter alia, by increasing public awareness of the problem,

Recalling the existing international treaties relating to various aspects of the problem of international terrorism, inter alia, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971, the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, adopted in New York on 14 December 1973, the International Convention Against the Taking of Hostages, adopted in New York on 17 December 1979, the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980, the Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on 24 February 1988, the Convention for the Suppression of

Unlawful Acts Against the Safety of Maritime Navigation, done at Rome on 10 March 1988, the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988, and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991,

Welcoming the conclusion of regional agreements and mutually agreed declarations to combat and eliminate terrorism in all its forms and manifestations,

Convinced of the desirability of keeping under review the scope of existing international legal provisions to combat terrorism in all its forms and manifestations, with the aim of ensuring a comprehensive legal framework for the prevention and elimination of terrorism,

Solemnly declares the following:

I.

1. The Member States of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism, as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States;

2. Acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations, which may pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society;

3. Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or of any other nature that may be invoked to justify them;

II.

4. States, guided by the purposes and principles of the Charter of the United Nations and other relevant rules of international law, must refrain from organizing, instigating, assisting or participating in terrorist acts, in territories of other States, or acquiescing in or encouraging activities within their territories directed towards the commission of such acts;

5. States must also fulfil their obligations under the Charter of the United Nations and other provisions of international law with respect to combating international terrorism and are urged to take effective and resolute measures in accordance with the relevant provisions of international law and international standards of human rights for the speedy and final elimination of international terrorism, in particular:

(a) To refrain from organizing, instigating, facilitating, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that their respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens;

(b) To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of their national law;

(c) To endeavour to conclude special agreements to that effect on a bilateral, regional and multilateral basis, and to prepare, to that effect, model agreements on cooperation;

(d) To cooperate with one another in exchanging relevant information concerning the prevention and combating of terrorism;

(e) To take promptly all steps necessary to implement the existing international conventions on this subject to which they are parties, including the harmonization of their domestic legislation with those conventions;

(f) To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in subparagraph (a) above;

6. In order to combat effectively the increase in, and the growing international character and effects of, acts of terrorism, States should enhance their cooperation in this area through, in particular, systematizing the exchange of information concerning the prevention and combating of terrorism, as well as by effective implementation of the relevant international conventions and conclusion of mutual judicial assistance and extradition agreements on a bilateral, regional and multilateral basis;

7. In this context, States are encouraged to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter;

8. Furthermore States that have not yet done so are urged to consider as a matter of priority becoming Parties to the international conventions and protocols relating to various aspects of international terrorism referred to in the preamble to the present Declaration;

III.

9. The United Nations, the relevant specialized agencies and intergovernmental organizations as well as other relevant bodies must make every effort with a view to promoting measures to combat and eliminate acts of terrorism and to strengthening their role in this field;

10. The Secretary-General should assist in the implementation of this Declaration, by taking, within existing resources, the following practical measures to enhance international cooperation:

(a) A collection of data on the status and implementation of existing multilateral, regional and bilateral agreements relating to international terrorism, including information on incidents caused by international terrorism and criminal prosecutions and sentencing, based on information received from the depositaries of those agreements and from Member States;

(b) A compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations, based on information received from Member States;

(c) An analytical review of existing international legal instruments relating to international terrorism, in order to assist States in identifying aspects of this matter that have not been covered by such instruments and could be addressed to develop further a comprehensive legal framework of conventions dealing with international terrorism;

(d) A review of existing possibilities within the United Nations system for assisting States in organizing workshops and training courses on combating crimes connected with international terrorism;

IV.

11. All States are urged to promote and implement in good faith and effectively the provisions of the present Declaration in all its aspects;

12. Emphasis is placed on the need to pursue efforts aiming at eliminating definitively all acts of terrorism by the strengthening of international cooperation and progressive development of international law and its codification as well as by enhancement of coordination and increase of the efficiency of the United Nations and the relevant specialized agencies, organizations and bodies.

A

UNITED NATIONS

General Assembly

Distr.
LIMITED

A/C.6/49/L.17*
18 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 142

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Draft resolution proposed by the Chairman

The General Assembly,

Recalling its resolution 46/51 of 9 December 1991 and its decision 48/411 of 9 December 1993,

Taking note of the report of the Secretary-General, 1/

Having considered in depth the question of measures to eliminate international terrorism,

Convinced that the adoption of the Declaration on Measures to Eliminate International Terrorism should contribute to the enhancement of the struggle against international terrorism,

1. Approves the Declaration on Measures to Eliminate International Terrorism, the text of which is annexed to the present resolution;

2. Invites the Secretary-General to inform all States, the Security Council, the International Court of Justice, as well as the relevant specialized agencies, organizations and organisms, of the adoption of this Declaration;

3. Urges that every effort should be made so that the Declaration becomes generally known as well as observed and implemented in full;

---

* Reissued for technical reasons.

1/ A/49/257 and Add.1-3.

4. Urges States, in accordance with the provisions of this Declaration to take all appropriate measures at national and international level to eliminate terrorism;

5. Invites the Secretary-General to follow up closely the implementation of the present resolution and the Declaration, and to submit to it at its fiftieth session in this respect, a report relating, in particular, to the modalities of implementation of paragraph 10 of the Declaration;

6. Decides to include in the provisional agenda of its fiftieth session the item entitled "Measures to eliminate international terrorism", in order to examine the report of the Secretary-General requested in paragraph 5 above, without prejudice to the annual or biennial consideration of the item.

ANNEX

Declaration on Measures to Eliminate International Terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 2/ the Declaration on the Strengthening of International Security, 3/ the Definition of Aggression, 4/ the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, 5/ the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, 6/ the International Covenant on Economic, Social and Cultural Rights 7/ and the International Covenant on Civil and Political Rights, 7/

Deeply disturbed by the world-wide persistence of acts of international terrorism in all its forms and manifestations, including those in which States are directly or indirectly involved, which endanger or take innocent lives, have a deleterious effect on international relations and may jeopardize the security of States,

---

2/ Resolution 2625 (XXV), annex.

3/ Resolution 2734 (XXV).

4/ Resolution 3314 (XXIX), annex.

5/ Resolution 42/22, annex.

6/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

7/ See resolution 2200 A (XXI), annex.

Deeply concerned by the increase, in many regions of the world, of acts of terrorism based on intolerance or extremism,

Concerned at the growing and dangerous links between terrorist groups, drug traffickers and their paramilitary gangs, which have resorted to all types of violence, thus endangering the constitutional order of States and violating basic human rights,

Convinced of the desirability for closer coordination and cooperation among States in combating crimes closely connected with terrorism, including drug trafficking, unlawful arms trade, money laundering and smuggling of nuclear and other potentially deadly materials, and bearing in mind the role that could be played both by the United Nations and regional organizations in this respect,

Firmly determined to eliminate international terrorism in all its forms and manifestations,

Convinced that the suppression of acts of international terrorism, including those in which States are directly or indirectly involved, is an essential element for the maintenance of international peace and security,

Convinced also that those responsible for acts of international terrorism must be brought to justice,

Stressing the imperative need to further strengthen international cooperation between States in order to undertake and adopt practical and effective measures to prevent, combat and eliminate all forms of terrorism that affect the international community as a whole,

Conscious of the important role that might be played by the United Nations, the relevant specialized agencies and States in fostering widespread cooperation in preventing and combating international terrorism, inter alia, by increasing public awareness of the problem,

Recalling the existing international treaties relating to various aspects of the problem of international terrorism, inter alia, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971, the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, adopted in New York on 14 December 1973, the International Convention Against the Taking of Hostages, adopted in New York on 17 December 1979, the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980, the Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on 24 February 1988, the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, done at Rome on 10 March 1988, the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on

10 March 1988, and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991,

Welcoming the conclusion of regional agreements and mutually agreed declarations to combat and eliminate terrorism in all its forms and manifestations,

Convinced of the desirability of keeping under review the scope of existing international legal provisions to combat terrorism in all its forms and manifestations, with the aim of ensuring a comprehensive legal framework for the prevention and elimination of terrorism,

Solemnly declares the following:

I.

1. The Member States of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism, as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States;

2. Acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations, which may pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society;

3. Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or of any other nature that may be invoked to justify them;

II.

4. States, guided by the purposes and principles of the Charter of the United Nations and other relevant rules of international law, must refrain from organizing, instigating, assisting or participating in terrorist acts, in territories of other States, or acquiescing in or encouraging activities within their territories directed towards the commission of such acts;

5. States must also fulfil their obligations under the Charter of the United Nations and other provisions of international law with respect to combating international terrorism and are urged to take effective and resolute measures in accordance with the relevant provisions of international law and international standards of human rights for the speedy and final elimination of international terrorism, in particular:

(a) To refrain from organizing, instigating, facilitating, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that their respective territories are not used for terrorist

installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens;

(b) To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of their national law;

(c) To endeavour to conclude special agreements to that effect on a bilateral, regional and multilateral basis, and to prepare, to that effect, model agreements on cooperation;

(d) To cooperate with one another in exchanging relevant information concerning the prevention and combating of terrorism;

(e) To take promptly all steps necessary to implement the existing international conventions on this subject to which they are parties, including the harmonization of their domestic legislation with those conventions;

(f) To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in subparagraph (a) above;

6. In order to combat effectively the increase in, and the growing international character and effects of, acts of terrorism, States should enhance their cooperation in this area through, in particular, systematizing the exchange of information concerning the prevention and combating of terrorism, as well as by effective implementation of the relevant international conventions and conclusion of mutual judicial assistance and extradition agreements on a bilateral, regional and multilateral basis;

7. In this context, States are encouraged to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter;

8. Furthermore States that have not yet done so are urged to consider as a matter of priority becoming Parties to the international conventions and protocols relating to various aspects of international terrorism referred to in the preamble to the present Declaration;

III.

9. The United Nations, the relevant specialized agencies and intergovernmental organizations as well as other relevant bodies must make every effort with a view to promoting measures to combat and eliminate acts of terrorism and to strengthening their role in this field;

10. The Secretary-General should assist in the implementation of this Declaration, by taking, within existing resources, the following practical measures to enhance international cooperation:

(a) A collection of data on the status and implementation of existing multilateral, regional and bilateral agreements relating to international terrorism, including information on incidents caused by international terrorism and criminal prosecutions and sentencing, based on information received from the depositaries of those agreements and from Member States;

(b) A compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations, based on information received from Member States;

(c) An analytical review of existing international legal instruments relating to international terrorism, in order to assist States in identifying aspects of this matter that have not been covered by such instruments and could be addressed to develop further a comprehensive legal framework of conventions dealing with international terrorism;

(d) A review of existing possibilities within the United Nations system for assisting States in organizing workshops and training courses on combating crimes connected with international terrorism;

IV.

11. All States are urged to promote and implement in good faith and effectively the provisions of the present Declaration in all its aspects;

12. Emphasis is placed on the need to pursue efforts aiming at eliminating definitively all acts of terrorism by the strengthening of international cooperation and progressive development of international law and its codification as well as by enhancement of coordination and increase of the efficiency of the United Nations and the relevant specialized agencies, organizations and bodies.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/49/L.18
17 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
SIXTH COMMITTEE
Agenda item 140

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Australia, Brazil, Bulgaria, Colombia, Croatia, Egypt, Ecuador, Ethiopia, Finland, Germany, Indonesia, Morocco, New Zealand, Nigeria, Poland, Republic of Moldova, Romania, Tunisia, Ukraine and United Republic of Tanzania: draft resolution

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Welcoming the first report of the open-ended working group on the question of equitable representation on and increase in the membership of the Security Council that was established in accordance with General Assembly resolution 48/26 of 3 December 1993,

Bearing in mind the reports of the Secretary-General on the work of the organization submitted to the General Assembly at its thirty-seventh, 1/ thirty-ninth, 2/ fortieth, 3/ forty-first, 4/ forty-second, 5/ forty-third, 6/ forty-fourth, 7/ forty-fifth, 8/ forty-sixth, 9/ forty-seventh, 10/ forty-eighth, 11/ and forty-ninth 12/ sessions, as well as the views and comments expressed on them by Member States,

Recalling the elements relevant to the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization contained in its resolution 47/120 B of 20 September 1993,

Noting the discussions in the Security Council towards strengthening the consultative process in accordance with Article 50 of the Charter with a view to minimizing special economic problems of countries adversely affected as a result of their implementation of preventive or enforcement measures under Chapter VII of the Charter,

Mindful of the desirability for the Special Committee to carry out further work in the fields of the maintenance of international peace and security and the peaceful settlement of disputes between States,

Bearing in mind various proposals submitted to the General Assembly at its forty-ninth session aimed at strengthening the role of the Organization, enhancing its effectiveness and achieving equitable representation in the Security Council and increasing its membership,

---

1/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).

2/ Ibid., Thirty-ninth Session Supplement No. 1 (A/39/1).

3/ Ibid., Fortieth-Session, Supplement No. 1 (A/40/1).

4/ Ibid., Forty-first Session, Supplement No. 1 (A/41/1).

5/ Ibid., Forty-second Session, Supplement No. 1 (A/42/1).

6/ Ibid., Forty-third Session, Supplement No. 1 (A/43/1).

7/ Ibid., Forty-fourth Session, Supplement No. 1 (A/44/1).

8/ Ibid., Forty-fifth Session, Supplement No. 1 (A/45/1).

9/ Ibid., Forty-sixth Session, Supplement No. 1 (A/46/1).

10/ Ibid., Forty-seventh Session, Supplement No. 1 (A/47/1).

11/ Ibid., Forty-eighth Session, Supplement No. 1 (A/48/1).

12/ Ibid., Forty-ninth Session, Supplement No. 1 (A/49/1).

Having considered the report of the Special Committee on the work of its session held in 1994, 13/

Expresses its appreciation to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization for its important contribution to the elaboration of the text of the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security,

Recalling that the Charter of the United Nations contains references in Article 53 and Article 107 to particular security arrangements concerning certain States,

Noting that the States to which those references have been directed are members of the United Nations and represent a valuable asset in all the endeavours of the Organization,

Considering that the provisions of Article 107 and parts of Article 53 have become obsolete,

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; 13/

2. Decides that the Special Committee will hold its next session from 27 February to 10 March 1995;

3. Invites the Secretary-General to submit, before the session of the Committee in 1995, a report on the question of the implementation of the provisions of the Charter, including Article 50, related to the special economic problems confronting States and arising from the carrying out of sanctions mandated under Chapter VII of the Charter, analysing the proposals and suggestions on this issue contained in the report of the Committee on its 1994 session, 13/ giving due attention to the possible practical ways and means of carrying any of them out;

4. Requests the Special Committee, at its session in 1995, in accordance with the provisions of paragraph 5 below:

(a) To accord appropriate time for the consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context:

(i) To continue to consider on a priority basis proposals on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, including the working

---

13/ Ibid., Supplement No. 33 (A/49/33).

paper submitted in this regard to the Special Committee during its last session; 14/

(ii) To consider other specific proposals relating to the maintenance of international peace and security already submitted or which might be submitted to the Special Committee at its session in 1995, including the proposal on the strengthening of the role of the Organization and enhancement of its efficiency and the revised proposal submitted with a view to enhancing the effectiveness of the Security Council with regard to the maintenance of international peace and security;

(b) To continue its work on the question of the peaceful settlement of disputes between States and in this context:

(i) To continue its consideration of the proposal on United Nations rules for the conciliation of disputes between States;

(ii) To continue its consideration of other specific proposals relating to the peaceful settlement of disputes between States, including the proposal on the establishment of a dispute settlement service offering or responding with its services early in dispute and those proposals relating to the enhancement of the role of the International Court of Justice;

(c) To consider the question of the deletion of the "enemy-State" clauses of the Charter of the United Nations, contained in Article 107 and Article 53, paragraphs 1 and 2, and to recommend to the General Assembly at its fiftieth session the most appropriate legal action to be taken on this question;

(d) To continue its consideration of the question of the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security;

5. Also requests the Special Committee to be mindful of the importance of reaching general agreement whenever this has significance for the outcome of its work;

6. Decides that the Special Committee shall continue to accept the participation of observers of Member States in its meetings, including those of its Working Group, and also decides that the Special Committee shall be authorized to invite other States or intergovernmental organizations to participate in the debate in its plenary meetings on specific items where it considers that such participation would assist in its work;

7. Requests the Special Committee at its next session to continue its review of its membership, to consider in particular the proposal on the full participation of all Member States in its work and to report on this matter to the General Assembly at its fiftieth session;

14/ A/AC.182/L.79.

8. Also requests the Special Committee to submit a report on its work to the General Assembly at the fiftieth session;

9. Decides to include in the provisional agenda of its fiftieth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".